

N. KEITH CHAMBERS
EXECUTIVE DIRECTOR

1. On March 23, 2007, Complainant, Mary Lou DiCosola, filed a *Complaint of Civil Rights Violation* with the Illinois Human Rights Commission.
2. The parties were ordered to appear for an initial status hearing on May 15, 2007 at 11:00 a.m. On that date, both parties failed to appear.
3. On May 16, 2007, an order was entered continuing the matter to August 8, 2007 at 11:00 a.m.
4. On August 8, 2007, Respondent appeared through counsel and Complainant appeared *pro se*. An order was entered on that date continuing the matter to

September 18, 2007 which was to afford Complainant an opportunity to secure legal representation in this matter. The Respondent was also granted leave to file a motion to dismiss.

5. Respondent filed its motion to dismiss on August 8, 2007.
6. On September 18, 2007, Respondent appeared through counsel and Complainant again appeared *pro se*. On that date, an order was entered continuing the matter to November 7, 2007 so that Complainant could continue seeking legal representation in this matter.
7. On November 7, 2007, Respondent appeared through counsel and Complainant failed to appear. On that date, an order was entered giving Complainant until December 5, 2007 to file a response to Respondent's motion to dismiss. That order was properly served on Complainant on November 8, 2007.
8. As of the date of this Recommended Order and Decision, Complainant has failed to file a response to Respondent's motion to dismiss.

CONCLUSIONS OF LAW

1. Complainant's failure to appear at the November 7, 2007 status hearing and her failure to respond to Respondent's motion to dismiss, despite being properly served with both that motion and the November 7, 2010 order, has unreasonably delayed the proceedings in this matter.
2. In light of Complainant's apparent abandonment of her claim, this matter should be dismissed with prejudice.

DISCUSSION

Complainant DiCosola has taken absolutely no action to prosecute this matter since the year 2007. Although ordered to appear on November 7, 2007, and despite being properly

served with that order, Complainant, without explanation, failed to appear at the Commission. In addition, Complainant has failed to file a response to Respondent's motion to dismiss which has been pending since August of 2007. For reasons unknown, it appears that Complainant has simply abandoned her claim. As a result of the abandonment of her claim before the Commission, it is most appropriate to dismiss her *Complaint of Civil Rights Violation* with prejudice. *Leonard and Solid Matter, Inc.*, IHRC, ALS No. 4942, August 25, 1992.

RECOMMENDATION

Based on the foregoing, it appears that Complainant has abandoned her claim. Accordingly, it is recommended that the *Complaint of Civil Rights Violation*, ALS No. 07-216, and the underlying charge, No. 2006CF2201, be dismissed with prejudice.

ENTERED: MAY 26TH, 2010

HUMAN RIGHTS COMMISSION

**MARIETTE LINDT
ADMINISTRATIVE LAW JUDGE
ADMINISTRATIVE LAW SECTION**